

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF JANUARY, 2010 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ELECTION OF CHAIR

R-FY-10-98 ELECTION OF CHAIR CALENDAR YEAR 2010

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That **Annette S. Perkins** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2010 or until a successor is elected.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

ELECTION OF VICE-CHAIR

R-FY-10-99 ELECTION OF VICE CHAIR CALENDAR YEAR 2010

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That **James D. Politis** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2010 or until a successor is elected.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 200920
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Old Blacksburg Middle School Property
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Economic Development Alliance (NRV)
2. Montgomery Regional Solid Waste Authority
3. Parks & Recreation Commission
4. Transportation Safety Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ORGANIZATIONAL MATTERS

R-FY-10-100 SELECTION OF REGULAR MEETING DATE FOR CALENDAR YEAR 2010

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2010 shall be the 2nd and 4th Monday of each month. The closed session portion of the meeting shall begin at 6:00 p.m., if closed session is required, or at a time prior to or after 6:00 p.m. as notified by the County Administrator, otherwise the meeting shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

The vote on the foregoing resolution is as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	

R-FY-10-101 RULES OF ORDER AND PARLIAMENTARY PROCEDURES FOR CALENDAR YEAR 2010

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2010 as follows:

RULES OF ORDER

- Rule 1** The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be *added to the Agenda* following the Delegation portion of the meeting.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.

- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting. *Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.*
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments** to various Boards, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair

occur (the first meeting of each calendar year), unless the appointment to a Board, Commission, or Committee needs to be made by the Board prior to January 1 of the effective year in which case the appointment will be made prior to the end of the year to be effective January 1, of the following year.

Rule 22 On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	

R-FY-10-102
CODE OF ETHICS AND
STANDARDS OF CONDUCT
FOR CALENDAR YEAR 2010

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Code of Ethics and Standards of Conduct for calendar year 2010 as follows:

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.

7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.

4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Annette S. Perkins	

PUBLIC HEARING

Fiscal Year 2010-2011 County Budget

The purpose of this public hearing is to gather citizen comments on the upcoming 2010-2011 fiscal year budget.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Wes Atkinson addressed the Board on several issues. Mr. Atkinson expressed concern with the handling of a homeless person that was picked up by the Town of Christiansburg Police on a cold rainy night and was transported to the Ironto Truck Stop. Montgomery County Sheriff's Office then transported this person to Roanoke City. Mr. Atkinson believes the situation could have been handled differently.

Mr. Atkinson also commented on the recent job opportunities at the New River Valley Regional Jail due to the expansion of the jail. He stated that the construction of a regional jail in Pulaski County eliminated the need for a local jail, saving the jurisdictions money and suggested that other counties follow suit.

Mr. Atkinson praised the local fire and rescue personnel who did a wonderful job during the recent snow storm on December 18, 2009 that left motorists stranded on Interstate 81. These volunteers helped transported motorists to shelters and brought food and supplies to those who chose to stay in their vehicles.

There being no further speakers, the public address session was closed.

DELEGATION

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board on several road projects/issues in Montgomery County as follows:

- Nolley Road (SR 613) - Bridge work is complete.
- Mt. Zion Road (SR 655) – in the process of paving
- Tyler Road (SR 600) to Childress Road – in the process of paving

Mr. Clarke reported three weather events in December kept VDOT crews busy. On December 18, 2009 the first major snow storm in the region created several problems. The snow fell over 1 inch per hour right at the peak of work and holiday traffic. Snow accumulation ranged from 18-23 inches in the New River Valley. Motorists were stranded on I-81 due to heavy traffic and snow accumulation. Snow plows were hindered due to the stopped vehicles. Also, the lack of exits along I-81 from Christiansburg to Ironto prevented motorists from exiting the Interstate, which compounded the problem.

Mr. Clarke also reported that VDOT is still going through a reorganization process. Several residency and maintenance offices are scheduled to close by April 2010, including the Rocky Mount and Floyd offices.

Supervisor Creed commented that the December 18th snow storm with all the trucks backed up on I-81 is a good indication that the rest areas along the interstate need to be opened.

CONSENT AGENDA

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated January 11, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

Approval of Minutes

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the minutes dated August 10, 2009 and August 17, 2009 were approved.

Appropriations

A-FY-10-63 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

251 Clerk of Circuit Court \$541

The source of the funds for the foregoing appropriation is as follows:

Revenue Account
250-423100 Shared Expenses \$541

Said resolution appropriates Technology Trust Fund monies to cover the cost of virus protection software and toner for the Clerk's office.

A-FY-10-64
EMERGENCY SERVICES COORDINATOR
GRANT APPROPRIATION

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

111 Emergency Services Coordinator Grants \$80,300

The source of the funds for the foregoing appropriation is as follows:

Revenue Account
02111-424401 State Grants \$80,300

Said resolution appropriates state grant funds to purchase laptop computers for the Rescue Squads to equip ambulances.

R-FY-10-103
PUBLIC SERVICE AUTHORITY
APPOINTMENTS

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Annette S. Perkins, Gary D. Creed, and James D. Politis** are hereby reappointed to the **Public Service Authority** effective January 12, 2010 and expiring December 31, 2013.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

NEW BUSINESS

R-FY-10-104
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS
AND COMMISSIONS FOR 2010

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representatives to the indicated boards and commissions, effective January 1, 2010 and expiring December 31, 2010:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>

Chamber of Commerce Liaison	<u>Annette S. Perkins</u> _____ (Chair) <u>James D. Politis</u> _____ (Vice-Chair)
County/School Liaison	<u>F. Craig Meadows</u> _____ (County Administrator) <u>Annette S. Perkins</u> _____ (Chair)
Economic Development Alliance (NRV)	<u>F. Craig Meadows</u> _____ (County Administrator) <u>Annette S. Perkins</u> _____ (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Doug Marrs</u> _____
Fairview Home, Inc. Board of Directors	<u>Carol Edmonds</u> _____
Home Consortium (NRV)	<u>Steve Sandy</u> _____ (Planning Director) <u>F. Craig Meadows</u> (County Administrator – Alternate)
Legislative Liaison	<u>Mary W. Biggs</u> _____
Library Board Liaison	<u>Mary W. Biggs</u> _____
Metropolitan Planning Organization (MPO)	<u>Doug Marrs</u> _____ (Board Member) <u>John A. Muffo</u> _____ (Alternate) <u>F. Craig Meadows</u> _____ (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u> _____
Parks & Recreation Commission Liaison	<u>William H. Brown</u> _____
Planning Commission Liaison	<u>John A. Muffo</u> _____ <u>Mary W. Biggs</u> _____ (Alternate)
Resource Conservation & Development District (RC&D)	<u>William H. Brown</u> _____
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> _____ <u>Annette S. Perkins</u> _____ (Alternate)
Transportation Safety Commission	<u>Gary D. Creed</u> _____
Tourism Development Council	<u>James D. Politis</u> _____
Virginia Tech Liaison	<u>F. Craig Meadows</u> (County Administrator)

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
James D. Politis	
Gary D. Creed	
William H. Brown	
John A. Muffo	
Annette S. Perkins	

R-FY-10-105
RESOLUTION DECLARING A LOCAL
EMERGENCY FOR SEVERE WEATHER EVENT
DECEMBER 18, 2009

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

WHEREAS, Pursuant to Section 44-146.21 of the Code of Virginia of 1950, as amended, on December 18, 2009 the Director of Emergency Services declared a local emergency due to a winter snow storm which left motorists on Interstate 81 in Montgomery County facing dangerous conditions after being stranded in their vehicles for extended periods of time; and

WHEREAS, Due to the weather conditions imminent danger existed to life and property necessitating the proclamation of the existence of an emergency; and

WHEREAS, The Board of Supervisors could not convene to declare a local emergency so the Board desires to confirm at their next regularly scheduled meeting the existence of a local emergency due to a winter snow storm creating an imminent danger to life and property.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby confirms the declaration of local emergency by the County's Emergency Services Director on December 18, 2009 in response to a winter snow storm that left motorists on Interstate 81 in Montgomery County stranded in their vehicles for extended periods of time.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that during the existence of this local emergency, the powers, functions, and directions of the Emergency Services Director and the Emergency Services Coordinator shall be those prescribed by State Law and by the approved local Emergency Operations Plans of the County of Montgomery and any adopted local ordinances and resolutions necessary to protect the health and safety of persons and property in Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

R-FY-10-106
RESOLUTION APPROVING
A MEMORANDUM OF UNDERSTANDING WITH
VIRGINIA INFORMATION TECHNOLOGY AGENCY (VITA)
FOR CUSTOMER PREMISE EQUIPMENT (CPE)

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Town of Blacksburg and the Town of Christiansburg were each awarded a \$150,000 Public Safety Answering Point Grant in FY 2008, FY 2009 respectively and the County of Montgomery was awarded a \$108,000 Public Safety Answering Point Grant in FY 2010 to purchase replacement customer premises equipment (CPE) for each jurisdiction's 911 call processing centers; and

WHEREAS, Instead of purchasing separate stand alone CPE, the County and the two Towns have agreed in preparation for the consolidated Regional 911 Call Center to work together and participate in a shared solution so that the CPE purchased will provide proper connectivity between the three jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board hereby approves the Memorandum of Understanding between the County of Montgomery and the Virginia Information Technologies Agency (VITA) and the Town of Blacksburg and the Town of Christiansburg for the purpose of establishing a cooperative agreement between VITA and Montgomery County, Town of Blacksburg and the Town of Christiansburg (collectively known as the Montgomery Region) for a shared public safety customer premise equipment solution and funding assistance from VITA.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to execute a Memorandum of Understanding on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	

R-FY-10-108
RESOLUTION OF APPRECIATION
TRANSPORTATION SAFETY COMMISSION
GEORGIA ANNE SNYDER-FALKINHAM

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Transportation Safety Commission gathers local input in recognizing and solving problems in the area of highway safety; and

WHEREAS, *Georgia Anne Snyder-Falkinham* has faithfully served as a member of the Transportation Safety Commission since January 1, 2004; and

WHEREAS, The County recognizes the impartial and dedicated service that *Georgia Anne Snyder-Falkinham* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Georgia Anne Snyder-Falkinham*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Georgia Anne Snyder-Falkinham* and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Annette S. Perkins	

R-FY-10-109
RESOLUTION OF COMMEMORATION
JOSEPH V. GORMAN, JR.

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The recent death of *Joseph V. Gorman, Jr.* has touched and saddened all those who knew and loved him; and

WHEREAS, *Joseph V. Gorman, Jr.* served the Montgomery County community for many years in numerous capacities, including the Blacksburg Town Council 1966-1974, the New River Valley Planning District Commission 1971-1997, the Montgomery County Board of Supervisors 1992-2000, the Public Service Authority 1995-2000; and

WHEREAS, *Joseph V. Gorman, Jr.* was instrumental in the creation and incorporation of the Montgomery Regional Solid Waste Authority in 1994, and has served as a member of the Authority since its creation; and

WHEREAS, Through the performance of his duties and responsibilities as a member of the Montgomery County Board of Supervisors, *Joseph V. Gorman, Jr.* made excellent and constructive contributions to local government in representing Montgomery County on the Virginia's First Regional Industrial Facility Authority, the New River Valley Planning District Commission, Human Services Commission, Solid Waste Management and Recycling Committee, Transportation Safety Commission, Montgomery-Floyd Regional Library Board; and

WHEREAS, *Joseph V. Gorman, Jr.* represented Montgomery County on the New River-Highlands Resource Conservation and Development Council for eight years, and in 1998 was presented the Outstanding Council Member award by the RC&D Council for his dedication, cooperation and assistance; and

WHEREAS, *Joseph V. Gorman, Jr.* earned the admiration and high regard of those with whom he came into contact and of his fellow public servants and will be greatly missed and lovingly remembered by those who knew him.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby offers its deepest condolences and most heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Joseph V. Gorman, Jr.* and that a copy be made a part of the official minutes of Montgomery County, that his memory may be so honored.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

INTO WORK SESSION

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into a Work Session for the purpose of discussing the following:

1. FY 2010-2011 Budget Update: County and Schools

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

Montgomery County FY 2010-2011 Budget Update:

Assistant County Administrator Carol Edmonds provided an update on the County's FY 2010-2011 Budget and impacts from the Governor's state budget reductions. Projections indicate the shortfall in County undesignated revenue for FY 2010 will continue into FY 2011. To date, the shortfall continues to be estimated at \$1.1 million. Additional budget reductions, excluding schools, in FY 10 that have not yet been covered are estimated to total over \$115,000. For FY 11 budget reductions, excluding schools, are estimated to total \$1.5 million.

The proposed state budget reductions include eliminating all funding for compensation board covered positions in the constitutional offices, except the director, for a total of 52 positions. The Sheriff's Office is looking at eliminating 27 positions, Commonwealth's Attorney – 2 positions, Clerk of Circuit Court- 3 positions, Treasurer – 10 positions, and the Commissioner of the Revenue – 10 positions.

In summary, the total estimated shortfall is \$4.2 million, which includes the county's undesignated revenue, state cuts to the constitutional offices, and increase in expenditures. An increase of 6 cents on the real estate tax rate would be required to fund the \$4.2 million shortfall.

The County Administrator made additional comments that it is unknown what amendments will be made to the state budget by the new governor. Governor McDonnell has recommended that funds be restored for public safety; however, if this funding is restored what other areas will be cut.

Supervisor Creed recommended sending a copy of the budget presentation to the County's state representatives. He commented that the County cannot continue to carry the load that is mandated by the state.

Montgomery County Public Schools FY 2010-2011 Budget Update:

Katherine (Katie) Miano with the MCPS Finance Department, updated the Board of Supervisors on the budget planning for the school system. Ms. Miano reported a shortfall of \$488,966 will occur in FY 09-10 (current budget year) due to the Governor's proposed amendments to the State's FY 2009-10 budget. Based on the Governor's proposed state budget, a loss of state revenue of \$5.8 million in FY 2010-2011 is estimated. The total MCPS budget for FY 2010-2011 is \$90,867,056, which is a 5.76% reduction from FY 2009-2010. The MCPS budget shows a reduction in staff by 57 positions to help cover the shortfall of \$3.4 million. The County has seen a decrease in the amount received for salaried school positions over the last several years. In FY 2008-2009 a total of 284.44 salaried positions were funded compared to the upcoming FY 2010-2011 where only 174.39 positions will be funded by the state.

Several other options to reduce the School budget include reducing the hours of building operations, increasing fees for use of buildings to include recreation, reducing all salaries by 1%, furloughs outside of 180 school days, eliminating 4 year olds pre-school and reducing athletics/school activities.

Ms. Miano reported the School Board will begin budget discussions at their January 12, 2010 meeting.

Supervisor Biggs commented that a reduction of instructional staff by 57 positions will have a large impact to the school system.

OUT OF WORK SESSION

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

BOARD MEMBERS' REPORT

Supervisor Biggs asked about the homeless situation in Montgomery County and what types of policy/procedures are in place to serve citizens that are homeless.

Sheriff Whitt commented that he had no knowledge of the incident that Mr. Atkinson reported on earlier tonight; however, he will look into the matter. Sheriff Whitt reported that the Sheriff's Office does on occasion transport homeless citizens to shelters/missions in Roanoke. Montgomery County does not have any homeless shelters. There are times that local churches and hotels will provide shelter during inclement weather.

Supervisor Brown commented there are different types of homeless people, from citizens who may have lost their home to others who choose to live on the streets and don't want help.

Supervisor Muffo, as a member of the Social Services Board, will ask the Director to come to a future Board of Supervisors meeting to address the homeless situation in Montgomery County.

Supervisor Politis recommended Supervisor Creed be appointed to the Montgomery Regional Solid Waste Authority as Montgomery County's representative to fill the term left vacant due to the recent death of Joe Gorman.

R-FY-10-110 MONTGOMERY REGIONAL SOLID WASTE AUTHORITY APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Gary D. Creed** is hereby appointed to the **Montgomery Regional Solid Waste Authority** effective January 12, 2010 and expiring June 30, 2010

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

Said appointment fills the unexpired term of Joseph V. Gorman, Jr., deceased.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

Supervisor Politis' Report Continued

Industrial Hemp – Supervisor Politis received a call from Senator Mark Warner's office asking for additional information regarding Industrial Hemp. Supervisor Politis will be sending out an information packet on Industrial Hemp to Senator Warner's office.

Fair Tax - Supervisor Politis believes that the Fair Tax bill needs to start at the state level in order for it to work. The idea behind the fair tax is to eliminate the federal income tax and replace it with a national sales tax. The state needs to find ways to break away from the federal government.

Supervisor Creed thanked the Board for their vote to allow him to serve on the Montgomery Regional Solid Waste Authority.

Old Shawsville Middle School Annex – Food Pantry - Supervisor Creed expressed concern with the Montgomery County School Board discussing demolishing the old Shawsville Middle School and Annex. Supervisor Creed reported a food pantry is operated in the annex and serves a couple hundred people a month. He believes it would be devastating to the area if the food pantry was closed. He asked that this concern be forwarded to the School Board.

Supervisor Marrs reported members of the Western Virginia Regional Jail Authority (WVRJA) will be traveling to Richmond to lobby against the possible reduction in state funds to the regional jail. He will be happy to travel to Richmond to help lobby if the Board of Supervisors supports this effort.

By Board consensus, Supervisor Marrs will be reimbursed for travel expenses to Richmond to help lobby for the WVRJA.

Supervisor Perkins thanked the Board of Supervisors for support in allowing her to serve as chair to the Board in 2010.

ADJOURNMENT

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, January 25, 2010 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

The meeting adjourned at 9:00 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	F. Craig Meadows
Chair, Board of Supervisors	County Administrator